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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/073,826	03/27/98	1900 INDUSTRIAL	S 06046349

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DM21/0219

EXAMINER

JONES, E

ART UNIT	PAPER NUMBER
3724	4

DATE MAILED:

02/19/98

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/073,825</b>	Applicant(s) <b>Tsujimoto</b>
	Examiner <b>Eugenia Jones</b>	Group Art Unit <b>3724</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-7 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application (JP 09-118311) filed in Japan on May 8, 1997. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

The priority document which was filed on June 25, 1998 was Japanese Document No. 9-118356 which is not the same document listed in the declaration of the present application.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the specification is not in proper idiomatic English. For example, the sentences on page 5, lines 7-8, and on page 6, lines 3-5, are grammatically awkward. The specification should be reviewed for similar errors.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1 and 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, "a bending lengths of each of the set teeth" is grammatically awkward and confusing.

In claim 3, line 3, and claim 4, line 3, "the setting and bending position line" lacks clear antecedent basis.

In claims 5-7, line 2, "the setting and bending position in each of the set teeth" is grammatically awkward and confusing.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronan.

Ronan discloses a saw blade having all of the structure claimed, as broadly recited, including a plurality of set teeth being formed in a variable pitch, a bending length of each of the set teeth at a setting and bending position is substantially the same length, setting amounts in right and left directions of each of the set teeth are substantially equal to each other, each of the set

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teeth has substantially the same shape in a portion from the setting and bending position line to a tip, and the setting and bending position in each of the set teeth is positioned on a same straight line, see, for example, page 2, lines 35-44, and Figure 1.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark, Yoneda, Holston et al., Hayden, Sr., and Armstrong et al. show related saw blades.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugenia Jones whose telephone number is (703) 308-2172. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive

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information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

*Eugenia Jones*  
**Eugenia Jones**  
**Primary Examiner**  
**Group Art Unit 3724**

eaj  
February 15, 1999